IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.862/2002.

Prathvi Singh & Others. **VERSUS** State of Raj. & Ors.

12.12.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.S.R.Yadav, for the petitioners.
Mr.B.K.Sharma, Deputy Government Advocate.

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This writ petition has been filed by the petitioner seeking to restrain the respondents from constructing a road from the agricultural fields of the petitioners which was sought to be constructed without acquisition proceedings.

When the matter came up before this court, this court while issuing notices ordered the parties to maintain status quo on the land of the petitioners. Thereafter, when the matter came up for confirmation or stay/vacation of the order, following order came to be passed on 21.05.2002 :-

> "The matter comes up upon the application under Art. 226(3) of the Constitution of India.
>
> Learned counsel for the respondents submits that petitioner has filed this petition for restraining the respondents from constructing road through his field bearing Khasra No.329, 331 and 332 at village Salaheda, Tehsil Tijara, District Alwar.
>
> Learned counsel for the respondents submit that Sriram S/O Meda, Om Prakash and Lal Singh S/o Rampath, Umrav S/o Jairam, Pappu, Satvir & Rajavir all sons of Asharam and Shodan S/o Phoosa all residents of village Salaheda, Tehsil Tijara, District Alwar, Rajasthan are ready to give their

land for construction of the road and ready to give land bearing Khasara No.323, 324, 362, 363, 302, 368, 301, 328, 325, 327. To this effect they have also executed the affidavit to the effect that they are ready to surrender the land for construction of road and they have also give up the compensation.

Learned counsel for the respondents submits that now the respondents are not constructing the road through the field belonging to the petitioner and the alternative land were given by the aforesaid persons. In view of this fact the application under Art. 226(3) of the Constitution of India is allowed and the interim order dated 31.1.2002 stands vacated. The stay application stands disposed of."

In view of the above order, since it was submitted by the respondents that the respondents are not constructing the road through the fields of the petitioners as alternative land was given by other persons, no direction need be issued in the writ petition. In case, the petitioner is aggrieved subsequently on account of the action of the respondents they will be free to approach this court.

Subject to the aforesaid, the writ petition stands disposed of.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.